

REMARKS

Claims 1-28 are pending in the application. In a final Office Action mailed October 29, 2004 (hereinafter "Office Action"), the abstract was objected to for not being provided on a separate sheet. Claims 1-3, 7-11, 17, 20, and 22-28 were rejected under 35 U.S.C. § 103(a). Claims 1-3, 7, 9-12, 16, 17, 20, 22, 24, and 26-28 have been amended by way of this amendment and response. In view of the amendments and remarks that follow, applicants respectfully submit that the application is now in condition for allowance.

Objection to the Specification

The abstract of the disclosure was objected to because the abstract was not provided on a separate sheet of paper. The abstract is herein submitted on a separate sheet of paper as requested. Accordingly, applicants respectfully request that the objection to the specification be withdrawn.

Rejections Under 35 U.S.C. § 103(a) of Claims 1-3, 7-11, 17, 20, 22-24, and 25-28

Claims 1-3, 8-11, 17, 20, 22, 23, and 25-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,112,095, issued to Lund et al. (hereinafter "Lund"), in view of U.S. Patent No. 5,165,751, issued to Matsumoto et al. (hereinafter "Matsumoto"), and with regard to Claims 7 and 24, also in view of U.S. Patent No. 4,810,022, issued to Takagi et al. (hereinafter "Takagi"). Applicants respectfully traverse the above-identified rejections of the claims.

As is well known, the Office Action bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). For at least the reasons discussed below, applicants respectfully submit that the prior art fails to teach or suggest all the claim limitations of

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Claims 1-3, 7-11, 17, 20, 22-24, and 25-28, and therefore the claims are allowable over the cited and applied references.

Rejections Under 35 U.S.C. § 103(a) of Claims 1-3, 7-10, 16, 17, 20, 22-25, and 28

With regard to Claim 1, Claim 1 recites an "actuator assembly . . . adapted to move the deflector panel to independently adjust an inclination and an elevation of the deflector panel, wherein the actuator assembly is adapted to adjust the elevation of the deflector panel without resulting in a substantial change in the inclination or a longitudinal position of the deflector panel." Independent Claims 16, 17, and 28 recite similar limitations. With regard to Matsumoto, Matsumoto, as shown in Figure 1, teaches a deflector panel 60 that when adjusted in elevation, such as from the elevation of the deflector 60 shown in phantom (the left most position of the deflector in Figure 1) to the raised elevation of the deflector 60 shown in solid lines (the right most position of the deflector in Figure 1), the deflector 60 also moves longitudinally (from left to right across Figure 1). Thus, the deflector 60 cannot be changed in elevation without a substantial change in the longitudinal position of the deflector 60.

Likewise, referring to Figure 11, the deflector may be rotated to change an elevation of the deflector 60. However, when the deflector 60 is rotated from a first position shown in solid lines to a second position shown in phantom lines in Figure 11, the deflector panel substantially changes in inclination when the elevation of the deflector panel changes since the deflector panel cannot be moved independent of the inclination of the deflector panel. For this reason, Matsumoto does not teach or suggest an "actuator assembly . . . adapted to adjust the elevation of the deflector panel without resulting in a substantial change in the inclination or a longitudinal position of the deflector panel."

With regard to Lund and referring to Figures 6 and 7, Lund teaches a deflector panel 32 wherein only the inclination of the deflector panel 32 can be changed, or at best, the elevation of

the deflector panel 32 is adjusted through rotation of the deflector panel 32. Therefore, Lund also fails to teach or suggest an "actuator assembly . . . adapted to adjust the elevation of the deflector panel without resulting in a substantial change in the inclination or a longitudinal position of the deflector panel."

With regard to Takagi and referring to Figures 3(A) and 3(B), Takagi teaches a deflector panel 202 wherein the elevation of the deflector panel is adjusted through rotating the deflector panel. Therefore, Takagi also fails to teach or suggest an "actuator assembly . . . adapted to adjust the elevation of the deflector panel without resulting in a substantial change in the inclination or a longitudinal position of the deflector panel."

For at least the above reasons, it is apparent that Lund, Matsumoto, and/or Takagi, individually or in combination, fail to teach or suggest an "actuator assembly . . . adapted to adjust the elevation of the deflector panel without resulting in a substantial change in the inclination or a longitudinal position of the deflector panel" as recited in Claim 1 and similarly recited in Claims 16, 17, and 28. For at least this reason, applicants respectfully request the withdrawal of the 35 U.S.C. § 103(a) of Claims 1, 16, 17, and 28, and those claims depending thereon.

Rejections Under 35 U.S.C. § 103(a) of Claims 11, 26, and 27

Claims 11, 26, and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lund in view of Matsumoto. Applicants respectfully traverse the above-identified rejection of the claims.

Applicants note that Claim 12 was indicated as allowable over the prior art in the Office Action. The statement of reason for allowance states that the "inclusion that the deflector panel be able to move independently in the vertical, horizontal, and rotational manner independently of one another" was the primary reason for allowance of Claim 12. Further, in the Response to

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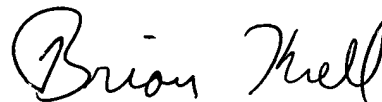
Arguments section of the Office Action, the Examiner states that Claim 12 is allowable since it recites *that the deflector panel has three degrees of freedom*. Accordingly, although applicants respectfully disagree with the above rejections, applicants have amended the independent claims of this application to contain subject matter indicated as allowable by the Examiner to expedite allowance of the application. Accordingly, applicants respectfully submit that independent Claims 11, 26, and 27 are allowable over the cited and applied references, and respectfully request the withdrawal of the 35 U.S.C. § 103(a) rejection of these claims and allowance of the claims at an early date.

CONCLUSION

In view of the foregoing remarks and amendments, applicants respectfully submit that the present application is in condition for allowance. Reconsideration and reexamination of the application, as amended, and allowance of the claims at an early date is solicited. If the Examiner has any questions or comments concerning this matter, the Examiner is invited to contact applicants' undersigned attorney at the number below.

Respectfully submitted,

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